

1 of the bill had been amended by the amendment offered by Senator Davidson, and that this substitute proposed to strike out Section 1 and substitute it by insertion of said substitute, which could not be done without a reconsideration of the vote by which the amendment (Davidson's) had been adopted.

Sustained.

Pending further action, on motion of Senator Morriss, the Senate adjourned to Monday next, 10 a. m.

SIXTY-THIRD DAY.

Senate Chamber,
Austin, Texas, Monday, April 10, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. No quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Davidson.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Kerr.	Wayland.
Linn.	Yantis.
Miller.	Yett.

Absent.

Burns.	McGee.
Dibrell.	Neal.
Goss.	Odell.
Johnson.	Stone.
Lewis.	Turney.
Lloyd.	

Senator Terrell moved a call of the Senate for the purpose of securing a quorum.

Motion duly seconded.

Roll called. Quorum present, the following members answering to their names:

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Patterson.
Goss.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Wayland.
Kerr.	Yantis.
Linn.	Yett.
Miller.	

Absent.

Dibrell.	Lewis.
Johnson.	Lloyd.

McGee.
Odell.

Stone.
Turney.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of Friday last,

On motion of Senator Patterson, the same was dispensed with.

EXCUSED.

On motion of Senator Stafford, Senator Neal was excused for non-attendance last week on account of important business.

PETITIONS AND MEMORIALS.

By Senator Terrell:

Petition from citizens of Wise county, praying for the passage of an anti-free pass law.

By Senator Terrell:

Petition from citizens of Denton county, praying that the Legislature sustain the Governor in his vetoes of the consolidation and fee bills.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 7, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 312, being a bill to be entitled "An Act to authorize the Houston & Texas Central Railroad Company to purchase, own and operate the railroad of the Central Texas & Northwestern Railway, with its franchises and appurtenances; the railroad of the Ft. Worth & New Orleans Railway Company, with its franchises and appurtenances; the Lancaster Tap Railroad, with its franchises and appurtenances; the railroad of the Austin & Northwestern Railroad Company, with its franchises and appurtenances; and the railroad of the Granite Mountain & Marble Falls City Railroad Company, with its franchises and appurtenances, or either or any of such railroads, with its or their franchises and appurtenances; and to authorize the owners of each of said railroads, and its franchises and appurtenances, to sell the same; and to authorize said Houston & Texas Central Railroad Company to issue additional mortgage bonds to the amount of the value of the railways, franchises and appurtenances so purchased, as fixed, or as the same may be fixed, by the Railroad Commission of Texas, and to regulate the reports of such properties and the operations thereof."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass, but in lieu thereof I am instructed to offer committee substitute bill, which is a bill to be entitled "An Act to authorize the Houston & Texas Central Railroad Company to purchase, own and operate the railroad of the Central Texas & Northwestern Railway Company, with its franchises and appurtenances; the railroad of the Fort Worth & New Orleans Railway Company, with its franchises and appurtenances; the Lancaster Tap Railroad, with its franchises and appurtenances; and the railroad of the Granite Mountain & Marble Falls City Railroad Company, with its franchises and appurtenances; and to authorize the owners of each of said railroads, and its franchises and appurtenances, to sell the same; and to authorize the said Houston & Texas Central Railroad Company to issue additional mortgage bonds to the amount of the value of the railways, franchises and appurtenances so purchased, and to the amount of the railroads hereafter constructed by it under the provisions of this act, as fixed, or as same may be fixed, by the Railroad Commission of Texas, and to regulate the reports of such properties and the operations thereof; and to authorize the Houston & Texas Central Railroad Company to construct, own, operate and maintain, or to amend its articles of incorporation so as to authorize it to construct, own, operate and maintain a railroad from a connection with the Austin & Northwestern Railroad in Burnet county, to the town of Lampasas," and we recommend that the same *do pass*.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, April 7, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Public Debts, Claims and Accounts, to whom was referred

Senate bill No. 253, being a bill to be entitled "An Act to ascertain what, if any, unpaid balance of salary is due Will S. Gabriel, as stenographer of the Supreme Court of the State of Texas, and making an appropriation therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

KERR, Acting Chairman.

Committee Room,
Austin, Texas, April 8, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 298, being a bill to be entitled "An Act providing for the correction and division of unpatented alternate surveys between the individual owner and State school land in conflict with older valid surveys, and to protect the purchasers of school land in conflict therewith, and for patenting the same,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the accompanying committee substitute *do pass*.

YANTIS, Acting Chairman.

Substitute Senate bill No. 298, by Committee.

A bill to be entitled "An Act providing for the correction and division of unpatented alternate surveys between the individual owner and State school land in conflict with older valid surveys, and to protect the purchasers of school land in conflict therewith, and for patenting the same."

Be it enacted by the Legislature of the State of Texas:

Section 1. That in all cases where land certificates granted by the State have been located in a block or blocks of two or more alternate surveys and either or all of such surveys are found to be either wholly or partly in conflict with older valid surveys, such individual surveys as may not be patented in such block or blocks and which may conflict as aforesaid, and such school surveys, except those which may be sold, or those which may have been sold and were in good standing on the 31st day of October, 1898, or those for which there may be pending purchase applications in General Land Office at the time said Commissioner of the General Land Office shall issue his instructions to the surveyor, as hereinafter provided, may be adjusted under the direction of the Commissioner of the General Land Office as provided herein.

Sec. 2. When any such adjustment is desired as mentioned in the preceding section, the said commissioner shall, upon request of the party owning such individual survey or surveys, or, in the absence of such application, upon his own judgment, direct the proper surveyor of the county in which such conflicting surveys may be situated, to survey such sections as may be in conflict, and so

alter or change the field notes of each and every survey for which an adjustment is sought, except where the school survey has been sold or applied for as above provided; and in making such change or alteration the said surveyor shall divide the total area of the individual survey and its alternate school survey equally between the individual and the school survey, and patents shall issue accordingly.

Sec. 3. The Commissioner of the General Land Office shall ascertain the entire number of acres in the school surveys wholly or partly free from conflict in any particular block, and also the entire number of acres in the individual surveys free from conflict in such block, and shall issue patents on enough of the individual surveys, if there be enough, to equal in area the total area of said school surveys so wholly or in part free from conflict, and in case the total area of the individual surveys in any particular block exceeds the total area of the school surveys, then such excess shall be equally divided between the individual and the school surveys, and patents shall issue accordingly; and if in any case the total area of the school surveys in any particular block exceeds the total area of the individual surveys, then such excess shall be equally divided between the individual and school surveys, and patents shall issue accordingly; providing, sufficient amount of the school surveys not sold or applied for as aforesaid, remain to admit of such division.

Sec. 4. Where purchasers of school lands have been misled as to the correct lines of their surveys, and have improvements thereon, the Commissioner of the General Land Office may, by the written consent of the purchaser of the school survey and the owner of the individual survey, filed in the General Land Office, be authorized to change the number of surveys, or have them so corrected as to protect the improvements of the purchaser of the school lands.

Sec. 5. Be it further enacted, that the provisions of this act shall not affect prior valid rights of third persons.

Sec. 6. The fact that said school lands and the individual surveys in many cases are in confusion on account of adverse location, there is an immediate demand for the settlement of said conflict so that the purchasers of the individual surveys and the public school land may have the boundary line settled and adjusted, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

BILLS AND RESOLUTIONS.

By Senator Terrell:

Whereas, The Hon. J. M. Blount of Denton county, has departed this life at the ripe old age of about eighty years; and

Whereas, The said J. M. Blount was one of the patriarchs of Texas, an elegant and cultured gentleman, a patriotic and progressive citizen, and a warm hearted friend; and

Whereas, He was, years ago, a useful and honored member of this body, and was summarily deposed of his seat by the "Reconstructionists"; therefore be it

Resolved, That the State has lost one of her most loyal sons, society one of its most exemplary members, his community a pure and progressive member, and his family a kind and indulgent; and be it further

Resolved, That the Senate hereby tenders his bereaved family its sincerest condolence, and orders an enrolled copy of this resolution of respect prepared and transmitted to them by the Secretary of the Senate.

The resolution was unanimously adopted by a rising vote, upon motion of Senator Gough.

By Senator Potter:

Senate Concurrent Resolution No. 23,

Whereas, It is the duty of the Legislature to complete the important work before it in as short a time as possible, to the end that the State may be saved the expense of the session, and our obligation to the people faithfully kept; therefore be it

Resolved by the Senate, the House concurring, first, that the House and Senate shall consider bills in the following order: All bills making any appropriation for expense of State government shall have precedence of any and all other questions before the Legislature, and shall be taken up on the morning of Tuesday, April 11, 1899, and considered at all sessions thereafter until finally disposed of. Then bills recommended by the Governor as demanded by the democratic platform, together with such bills as have for their object the preservation or care of the property of the State, shall be considered next in order. Then local bills. Then any other bills that may be reached upon the calendar, or taken up out of their order under the rules of order.

The object of this resolution is to confine the deliberations of the Legislature to the more important measures, and try to prevent an unnecessary waste of time.

Lost.

(Senator Gough in the chair.)

Call concluded.

Senator Stafford moved that Substitute Senate bill No. 312, reported this morning (see committee reports), be *not* printed in the Journal.

So ordered.

PENDING BUSINESS.

The Chair laid before the Senate, Senate bill No. 118, A bill to be entitled "An Act to prohibit the officer, agent or representative of any railroad corporation from giving free transportation over the lines of such railroad to any person other than the agents, representatives, employes or attorneys of such railroads, and to fix a penalty for the violation of the provisions of this act," action being on the amendment of Senator Miller, to-wit:

"Amend by adding to line 22 the following: 'Provided, that this bill shall not apply to free passes given newspaper editors, reporters or correspondents.'"

On motion of Senator Grinnan the regular order of business was suspended to take up, on second reading,

Senate bill No. 187, A bill to be entitled "An Act declaring and making all mortgages, deeds of trust, contracts and other obligations in writing, whereby land or real property situated in the State of Texas, is made security for the payment of debts, to be land or real property for the purpose of assessment and taxation; to provide for the assessment thereof for taxation, and to provide for the sale thereof for such taxes."

Bill read second time.

(Lieutenant-Governor Browning in the chair.)

By Senator Grinnan:

"Amend by adding after Section 8 the following:

"Sec. 9. The near approach of the close of the present session of the Legislature, the crowded condition of the calendar of both the Senate and the House, and the fact that no adequate law exists for the taxation of mortgages, deeds of trust and other liens on real estate, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.'"

Adopted.

By Senator Davidson:

"Amend by adding after the word 'recorded,' in lines 28 and 29, on page 1, the following, 'in the manner now provided by law, and if not so provided, then.'"

Adopted.

By Senator Linn:

"Amend line 26, page 1, after the word

'act,' by adding the following, 'shall be the person.'"

Adopted.

By Senator Davidson:

"And amend by adding after the word 'recorded,' in line 4, page 2, the following, 'in the same manner now provided by law, and if not so provided, then.'"

Adopted.

By Senator Grinnan:

"Amend by adding after the word 'debts,' in line 8, page 1, the following, 'together with such debts.'"

Adopted.

By Senator Potter:

"Amend by adding at end of Section 3 the following, 'in case of vendor's lien notes or other debts secured upon land but are not recorded as contemplated shall be by this act, the payee of such obligation or the endorsee or holder thereof shall be deemed the owner thereof.'"

Adopted.

By Senator Greer:

"Amend page 2, line 11, by inserting the word 'counties' and the words 'the debt,' the following, 'or in several tracts in the same county,' and also amend page 2, line 13, by adding after the word 'security' the following, 'and of apportioning the taxes between the owners of the land and the lien,' and also amend line 14, same page, by adding after the word 'counties' the words 'or tracts.'"

Adopted.

(Senator Terrell in the chair.)

By Senator Linn:

"Amend by adding after the word 'thereon,' in line 24, page 1, the following, 'Provided, that the debt and the mortgage, contract, deed of trust or other obligation securing such debt shall be considered and taxed as one piece of property.'"

Lost.

By Senator Potter:

"Amend Section 7, page 3, line .. of printed bill by striking out the word 'may' and inserting the word 'shall.'"

Adopted.

By Senator Davidson:

"Amend by adding after the word 'and,' line 23, page 11, the following, 'the taxes so assessed and levied on such security and debt shall be a lien thereon, and such security and debt.'"

Adopted.

By Senator Linn:

"Amend line 5, page 2, of bill, by adding the following after the word 'State,' 'or unless the owner of such debt and mortgage shall prove to the assessor by

affidavit the amount of such payment thereon at the date of assesment."

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed upon its third reading and final passage by the following vote:

Yeas—17.

Atlee.	Patterson.
Davidson.	Potter.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Wayland.
Kerr.	Yantis.
Linn.	Yett.
Morriss.	

Nays—4.

Burns.	Neal.
Miller.	Ross.

Absent.

Dibrell.	Lloyd.
Goss.	McGee.
Gough.	Odell.
Johnson.	Stone.
Lewis.	Turney.

The bill was read a third time, and passed by the following vote:

Yeas—17.

Atlee.	Patterson.
Davidson.	Potter.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Wayland.
Kerr.	Yantis.
Linn.	Yett.
Morriss.	

Nays—4.

Burns.	Neal.
Miller.	Ross.

Absent.

Dibrell.	Lloyd.
Goss.	McGee.
Gough.	Odell.
Johnson.	Stone.
Lewis.	Turney.

"I vote 'no' on Senate bill No. 187, because while I am in favor of this character of taxation, I think it should be uniform throughout the State, and this bill will injuriously affect such cities and counties as have a high rate of taxation."
"MILLER."

(Lieutenant-Governor Browning in the chair.)

HOUSE MESSAGE.

The following House message was received:

Hall of the House of Representatives,
Austin, Texas, April 10, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 248, A bill to be entitled "An Act to reorganize the Forty-first Judicial District of Texas; to prescribe the time of holding the District Court therein; to make the terms of the Thirty-fourth Judicial District in El Paso county to conform thereto, and to provide for a clerk for the district court of the Forty-first Judicial District in said El Paso county, and empowering the district court of the Thirty-fourth Judicial District to empanel the grand jury for said county, and giving authority to the judges of either of said two courts in said El Paso county to transfer causes from their respective courts to the other of said courts, and to repeal all laws and parts of laws in conflict herewith," with amendments.

Also Senate bill No. 305, A bill to be entitled "An Act to transfer San Augustine county from the community to the district school system."

Also House bill No. 355, A bill to be entitled "An Act to amend Article 3655, Chapter 1, Title LXXIX, Revised Civil Statutes of the State of Texas, relating to the contracting, hiring or leasing of State convicts by board of commissioners, lessees, managers or receivers of coal mines or collieries."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN THE SENATE.

The above House bill No. 355 was read first time and referred to the Committee on Mining and Irrigation.

BILLS SIGNED.

The Chair signed, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 578, "An Act to fix the time of holding the courts in the Fiftieth Judicial District, and to repeal all laws in conflict herewith."

House bill No. 249, "An Act to amend Article 1012, Title XXVII, Chapter 14, Revised Statutes of 1895, relating to the employment of stenographers by the courts of civil appeals."

House bill No. 381, "An Act to amend an act known as Senate bill No. 236, Chapter 57, of the General Laws passed at the Regular Session of the Twenty-fifth Legislature of the State of Texas, regulating the time of holding the district courts in Jasper, Newton, Orange, Jefferson and Tyler counties, so as to reduce the terms in Tyler and Newton counties, and to extend the terms in Jefferson county."

House bill No. 147, "An Act to amend Article 22, Title IV, Revised Civil Statutes of Texas of 1895, by adding thereto Section 55, creating a judicial district in Galveston county additional to the Tenth Judicial District therein, to be the Fifty-sixth Judicial District; to establish a court and provide for a judge and clerk of such new districts; to regulate the venue of the courts of said respective districts, and the disposition of the business therein, and to define the jurisdiction, the boundaries and the terms thereof, and declaring an emergency."

House bill No. 540, "An Act to diminish the civil and criminal jurisdiction of the County Court of Shelby county, to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict herewith."

House bill No. 370, "An Act to diminish the civil and criminal jurisdiction of the County Court of San Saba county, to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict herewith."

House bill No. 124, "An Act to amend Chapter 5, Title CII, of the Revised Civil Statutes of Texas of 1895, by adding thereto Articles 5001a and 5001b, providing for elections in a county or subdivision of a county to determine whether hogs, sheep and goats shall be permitted to run at large in such county or subdivision."

Senator Greer called up

Substitute Senate bill No. 45, A bill to be entitled "An Act to amend Article 4471, of Chapter 8, Title XCIV, of the Revised Civil Statutes of the State of Texas of 1895, so as to permit railroads and other corporations having the right of eminent domain to enter upon and take possession of property sought to be condemned pending litigation, upon the payment or security of the award of the commissioners appointed to appraise, and costs; and the deposit of money sufficient to cover additional damages that may be adjudged, and the giving of a bond for future costs, and to repeal all laws in conflict therewith," and moved to concur in the House amendments thereto.

Motion agreed to, and House amendments adopted.

Senator Stafford called up the motion of Senator Odell, entered on March 22, to reconsider the vote by which the Senate refused to pass

Senate bill No. 224, A bill to be entitled "An Act to create a commission to be known as the Texas State Historical Commission, and to define the duties and powers of said commission."

Reconsidered by the following vote:

Yeas—17.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Neal.
Goss.	Potter.
Greer.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Kerr.	Yett.
Linn.	

Nays—4.

Grinnan.	Terrell.
Patterson.	Yantis.

Absent.

Dibrell.	McGee.
Johnson.	Odell.
Lewis.	Stone.
Lloyd.	Turney.

Senator Atlee called up his motion, entered on March 22, to reconsider the vote by which his amendment to Senate bill No. 224 was adopted.

Reconsidered, and Senator Atlee withdrew the amendment.

By Senator Davidson:

"Amend the bill, in Section 1, by striking out in line 11 all after the word 'Texas' and insert in lieu thereof the following, 'and two other citizens of Texas well versed in Texas history, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall hold their offices for two years and until their successors are qualified, and who shall be members of the Texas Historical Association.'"

Adopted.

By Senator Davidson:

"Amend the bill by striking out on page 3 all of Section 7."

Adopted.

By Senator Linn:

"Amend Section 1 by adding the following, 'which commission shall be known as the Texas State Historical Association.'"

Adopted.

By Senator Atlee:

"On page 2, line 18, strike out 'association' and insert in lieu thereof 'commission.'"

Adopted.

Senator Davidson entered a motion to reconsider the vote by which his amendment striking out Section 7 was adopted.

Senator Stafford called up the motion and the motion to reconsider prevailed.

Senator Davidson then withdrew the amendment.

By Senator Linn:

"Amend Section 7 by striking out the word 'association' wherever it occurs and insert in lieu thereof the word 'commission.'"

Adopted.

Senator Yantis moved that the Senate adjourn until 3 o'clock this evening.

Senator Ross moved to adjourn until 10 o'clock tomorrow.

Question being on the longest time first, the motion to adjourn until 10 o'clock tomorrow was lost.

The motion to adjourn until 3 o'clock this evening was lost.

Question recurring on Senate bill No. 224, the same was passed finally by the following vote:

Yeas—17.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Neal.
Goss.	Potter.
Greer.	Ross.
Hanger.	Stafford.
James.	Wayland.
Kerr.	Yett.
Linn.	

Nays—4.

Gough.	Terrell.
Grinnan.	Yantis.

Absent.

Dibrell.	Odell.
Johnson.	Patterson.
Lewis.	Sebastian.
Lloyd.	Stone.
McGee.	Turney.

Senator Miller moved to adjourn until 3 o'clock this evening.

Senator Wayland moved to adjourn until 10 o'clock tomorrow morning.

Question being on the longest time first, the motion of Senator Wayland prevailed by the following vote:

Yeas—13.

Atlee.	Morriss.
Burns.	Neal.
Grinnan.	Ross.
Hanger.	Stafford.
James.	Terrell.
Kerr.	Wayland.
Linn.	

Nays—7.

Davidson.	Greer.
Goss.	Miller.

Potter.
Yantis.

Yett.

Absent.

Dibrell.
Gough.
Johnson.
Lewis.
Lloyd.
McGee.

Odell.
Patterson.
Sebastian.
Stone.
Turney.

SIXTY-FOURTH DAY.

Senate Chamber,

Austin, Texas, Tuesday, April 11, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Patterson.
Goss.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Stone.
James.	Terrell.
Johnson.	Wayland.
Kerr.	Yantis.
McGee.	Yett.
Miller.	

Absent.

Lewis.	Lloyd.
Linn.	Turney.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Patterson, the same was dispensed with.

EXCUSED.

On motion of Senator Stafford, Senator Dibrell was excused for non-attendance upon the Senate yesterday on account of important business.

On motion of Senator Neal, Senator Terrell was excused for non-attendance upon the Senate last Wednesday, Thursday and Friday, on account of important business.

On motion of Senator Morriss, Senator Potter was excused for non-attendance upon the Senate on last Wednesday, Thursday and Friday, on account of important business.

On motion of Senator Burns, Senator McGee was excused for non-attendance upon the Senate yesterday, on account of important business.